

USCA Case #15-5192

Document #1576944

Filed: 09/29/2015

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

15-5192

KURT MADSEN APPELLANT

V.

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT	
FILED	SEP 29 2015
CLERK	

WILLIAM SMITH, APPELLEE

4-0

MOTION TO PRESERVE THE
RESERVATION OF REVERSION AND
OBJECTIONS OR ~~THE~~ RULE 60 (b)
MOTION IN SUPERIOR COURT OF
DISTRICT OF COLUMBIA.

EXHIBIT 1 IS THE LATEST
ACCUSATION, WHICH I TRAVELED THE
2900 MILES TO THE ART. 1 SEC. 9 CL 17 DISTRICT
TO SEEK JUSTICE TO PREVENT INJUSTICE.

12/4

I, KURT MADSEN, THE APPELLANT, AM STILL BEING HELD INSLAVED AT THE SOUTH CORRECTIONAL ENTITY, IN WASHINGTON STATE.

ON SEPTEMBER 24, 2014 I WAS NOT PERMITTED TO ATTEND COURT IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.

ALTHOUGH THE UNITED STATES WAS A "PARTY" (SEE [DKT 8] DISTRICT COURT FILE) WHEREBY UNDER ARTICLE 3 SHOULD HAVE BEEN IN THE ~~THE~~ UNITED STATES DISTRICT COURT.

AS WAS ERIC HOLDER LISTED AS RESPONDENT IN ORIGINAL HABEAS CORPUS PLEADING.

ON SEPTEMBER 29, 2014 I WAS REMOVED BY FORCE AS ARTICULATED IN [DKT 12] AND SEVERAL LAWS WERE VIOLATED.

THE ORIGINAL WRIT OF HABEAS WAS SUSPENDED BY CHIEF JUDGE SATTERFIELD AS HE ALSO RETURNED THE REQUISITION REQUESTS, WHICH PREVENTED MY DISCHARGE UNDER 18 USC § 3182 AND RESULTED IN MY REARREST FOR THE SAME WARRANT AT THE LAW LIBRARY OF CONGRESS IN THE MADISON BUILDING SEPTEMBER 13, 2014.

IT APPEARS JUDGE SATTERFIELD PULLED OFF SOME SLICK MOVES IN PREVENTING MY APPEARANCE.

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I CURRENTLY DO NOT HAVE ACCESS TO A LAW LIBRARY, AS I AM A SLAVE TO THE SOUTH CORRECTIONAL ENTITY, FOR OBTAINING GRANTS AND FUNDS FROM THE TEAMSTERS UNION WHICH KIDNAPPED ME FROM THE DISTRICT, TO FURTHER FACILITATE ORGANIZED CRIME AND PLACE ME IN INVOLUNTARY SERVITUDE,

UNITED STATES CODE AND DISTRICT OF COLUMBIA CODE CAN BE USED AS PRIMA FACIE EVIDENCE UNDER TITLE 1 USC § 204,

THE PROBLEM IS I WAS TAKEN NAKED FROM MY BED ON SEPTEMBER 15, 2015

I WOULD IMAGINE TO PREVENT PERFECTING MY PLEADINGS.

~~THE PROBLEM~~

I SIMPLY REQUEST AND MOTION TO PRESERVE THE ONE YEAR DATE FROM SEPTEMBER 24, 2014 - COURT DATE - AND SEPTEMBER 29, 2014 FORCED REMOVAL -

~~THE PROBLEM IS I WAS TAKEN NAKED FROM MY BED ON SEPTEMBER 15, 2015~~

ALSO, I DO NOT HAVE ACCESS TO A COPY MACHINE OR USA ADDRESS.

ETHER NOTIFICATION THROUGH PACER ECR APPELLATE FEES OR WILL NOTIFY AFTER THE CHAINS OF MY SLAVERY ARE SLACKENED.

I APOLOGIZE FOR THE SCOPY HANDWRITING AND MISSPELLINGS, I HAVE BECOME DEPENDENT ON TECHNOLOGY FOR THESE SKILLS.

IM JUST THANKFUL I DONT HAVE TO CUT MYSELF AND MAKE A QUELL FROM MY HOER.

LASTLY, I MOTION TO RESERVE REVERSION ^(REVERT) OF ORIGINAL WRET OR HABEAS CORPUS SUSPENDED CONTRARY TO ART. I SEC. 9 CL 2.

AND RESERVE REVERSION OR TO REVERT TO REQUESTION REQUESTS MADE ~~ON IN~~ ~~ON~~ AUGUST AND ON SEPTEMBER 24, 2014.

I DECLARE UNDER PENALTY OF PERJURY THIS WAS MAILED TO THE APPEALS COURT ON SEPTEMBER 24, 2014.



KURT MADSEN
MADSEN.APPELLANT@GMAIL.COM
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EXHIBIT 1STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DOC - REPORT OF ALLEGED VIOLATION

REPORT TO: DOC HEARING UNIT
OFFENDER NAME: MADSEN, Kurt R.
CRIME: Assault 2 - Intentional and causes substantial bodily harm
SENTENCE: 18 months Community Custody Prison
LAST KNOWN ADDRESS: HOMELESS
Homeless
Seattle, WA 98134
MAILING ADDRESS:

DATE: 9/22/2015
DOC NUMBER: 964228
FOS NUMBER:
DOB: 3/4/1969
COUNTY CAUSE #: King 11-1-10408-3(AC) (KNT)
DATE OF SENTENCE: 7/23/2012
TERMINATION DATE: 7/14/2016
STATUS: Prison
CLASSIFICATION: HV

PREVIOUS ACTION:SUPERVISION VIOLATION PROCESSES

Level of Response	: Full Hearing
Response Date	: 10/28/2013
Violation Date	: 5/28/2013
Violation(s)	: Failure to Report Unapproved Employ/Reside Chge
Level of Response	: Swift and Certain Hearing
Response Date	: 12/3/2013
Violation Date	: 10/31/2013
Violation(s)	: Abide UA/BA Monitoring Failure to Report Unapproved Employ/Reside Chge
Violation Date	: 11/19/2013
Violation(s)	: Other
Violation Date	: 10/31/2013
Violation(s)	: Other
Violation Date	: 11/19/2013
Violation(s)	: Fail to Abide by CCO Verbal Directive
Level of Response	: Swift and Certain Hearing
Response Date	: 4/2/2014
Violation Date	: 12/18/2013
Violation(s)	: Abide UA/BA Monitoring Absconding from supervision Other
Level of Response	: Swift and Certain Hearing
Response Date	: 6/11/2014
Violation Date	: 4/10/2014
Violation(s)	: Abide UA/BA Monitoring
Violation Date	: 6/2/2014

10F 26

Violation(s) : Outside Geographic Boundry
 Violation Date : 4/10/2014
 Violation(s) : Failure to Pay LFO's
 Unapproved Employ/Reside Chge
 Absconding from supervision
 Fail to Abide by CCO Verbal Directive

Level of Response : Swift and Certain Hearing
 Response Date : 10/9/2014
 Violation Date : 6/12/2014
 Violation(s) : Abuse Evaluation Ordered
 Violation Date : 8/27/2014
 Violation(s) : Abuse Evaluation Ordered
 Violation Date : 6/12/2014
 Violation(s) : Abide UA/BA Monitoring
 Violation Date : 8/27/2014
 Violation(s) : Abide UA/BA Monitoring
 Violation Date : 6/12/2014
 Violation(s) : Failure to Pay LFO's
 Violation Date : 7/29/2014
 Violation(s) : Leaving Washington State
 Violation Date : 9/15/2014
 Violation(s) : Leaving Washington State
 Violation Date : 8/27/2014
 Violation(s) : Unapproved Employ/Reside Chge
 Violation Date : 6/12/2014
 Violation(s) : Unapproved Employ/Reside Chge
 Violation Date : 8/27/2014
 Violation(s) : Absconding from supervision
 Violation Date : 6/12/2014
 Violation(s) : Absconding from supervision
 FT Obtain a MH Eval as Directed
 Violation Date : 8/27/2014
 Violation(s) : FT Obtain a MH Eval as Directed

Level of Response : Swift and Certain Hearing
 Response Date : 3/24/2015
 Violation Date : 12/11/2014
 Violation(s) : Abide UA/BA Monitoring
 Absconding from supervision
 Violation Date : 12/10/2014
 Violation(s) : Other
 Violation Date : 12/9/2014
 Violation(s) : Other

Level of Response : Swift and Certain Hearing
 Response Date : 8/4/2015
 Violation Date : 4/15/2015
 Violation(s) : Abide UA/BA Monitoring
 Unapproved Employ/Reside Chge
 Absconding from supervision
 FT Obtain a MH Eval as Directed

TOLLING - SRA & PAROLE

Tolling Type	Start Date	End Date	Days
Failure to Report	8/26/2015	9/15/2015	20
Failure to Report	5/29/2013	10/17/2013	141
Failure to Report	11/2/2013	11/19/2013	17
Failure to Report	12/19/2013	3/24/2014	95
Failure to Report	4/14/2014	6/2/2014	49
Failure to Report	6/16/2014	9/15/2014	91

2017/6

Failure to Report	12/11/2014	3/5/2015	84
Failure to Report	4/15/2015	7/24/2015	100

JURISDICTION:

On 7/23/12, Mr. Madsen was sentenced under King County Superior Court cause 11-1-10408-3. Per the Judgment and Sentence, Mr. Madsen was ordered to serve 18 months Community Custody to be supervised by the Department of Corrections. On 10/21/13, Mr. Madsen was served with the Department of Corrections Conditions, Requirements and Instructions Form. Although Mr. Madsen refused to sign the documents, he received copies and was advised that he is responsible to abide by the conditions of supervision including reporting to and being available for contact by the Department of Corrections. A Mr. Madsen was also advised of the requirement to make himself available to be contacted for urinalysis testing and the requirement to provide a valid address for verification. On 11/21/13, Mr. Madsen was served with imposed conditions of obtaining mental health and chemical dependency evaluations. Mr. Madsen was unable to sign the conditions due to his custody placement, but the conditions were read to him and he was provided a copy.

ALLEGATIONS AND SUPPORTING EVIDENCE: The above named offender has violated conditions of supervision by:

Allegation 1: Failure to report to the Department of Corrections on or since 8/24/15.

Mr. Madsen released from SCORE on 8/21/15 and was required to report to DOC within one business day of release which would have been 8/24/15. Mr. Madsen failed to report as directed. Mr. Madsen called on 8/31/15 and I spoke with him for a few minutes and he refused to divulge his location and indicated he had no intention of reporting because he believed DOC did not have jurisdiction.

Allegation 2: Failing to abide by geographic boundary on 9/15/15, by travelling south of Interstate 405/Hwy 518 without DOC permission.

On 10/31/13, DOC imposed a boundary condition prohibiting Mr. Madsen from being in the south end of King County, specifically the Kent area due to victim issues. Mr. Madsen was aware of this condition and challenged it veracity on several occasions. On 9/15/15 he was arrested by Kent Police on the DOC warrant. Mr. Madsen did not have DOC permission to be south of Interstate 405/Hwy 518.

WITNESS(ES): A Department of Corrections Community Corrections Officer will testify

ADJUSTMENT AND SUPERVISION SUMMARY:

Mr. Madsen is classified by the Department as a High-Violent offender he has a lengthy criminal history much of which is related to harassing victims or violating no contact orders. Additionally

30F X6

Mr. Madsen has convictions for Assault 2nd which he is currently supervised for, Burglary 2nd, and a long history of driving without a license or driving with a suspended license as a result of alcohol related infractions such as DUI.

I assumed supervision of Mr. Madsen after the King County Special Needs Unit (SNU) accepted his referral from CCO Isaacs in November of 2014. Mr. Madsen presents as extremely narcissistic, entitled and delusional. Mr. Madsen has refused to cooperate with my efforts to get him evaluated for mental health services and denies having mental health issues. DOC had him evaluated by Psychological Associate Connie Sais on 11/26/13 and per her clinical impression there is the potential presence of serious psychological difficulties and a persistent personality pattern associated with a lack of remorse or empathy. Her recommendations were for Mr. Madsen to obtain a full psychological evaluation, to participate in mental health treatment and to complete a state certified chemical dependency treatment program. Since that evaluation Mr. Madsen has refused to participate in mental health treatment or any kind and denies any mental health issues or chemical dependency issues.

My interactions with Mr. Madsen indicate that he has a fixed delusion of self-importance and of his own ability to read, interpret and apply statutes, laws and codes at various levels of government with emphasis on the United States Code (USC). He has sent e-mails and letters to public officials citing irrelevant legal codes and doesn't wish to hear any valid legal evidence providing him with the basis for his various self-imposed legal predicaments.

Mr. Madsen's criminal history is replete with incidents of domestic violence, alcohol related crimes and driving infractions, and with his latest conviction violence against strangers. He has been monitored by the U.S. Marshall's service for sending threatening correspondences to a judge. I consider him a high risk offender and refer his case to the Community Response Unit when he absconds. All indications are that Mr. Madsen has the potential to be a serious community safety issue.

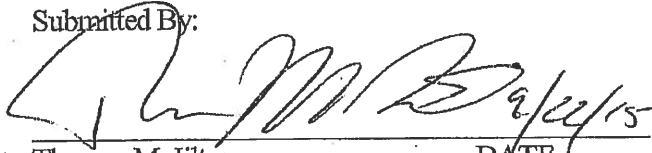
40676

RECOMMENDATION:

This is Mr. Madsen's 8th violation process and he has demonstrated both verbally and physical that he has no intention of adhering to the Court's or DOC imposed conditions. I recommend he be sanctioned to 30 days of confinement.

I certify or declare under penalty of perjury of the laws of the state of Washington that the following statements are true and correct to the best of my knowledge and belief.

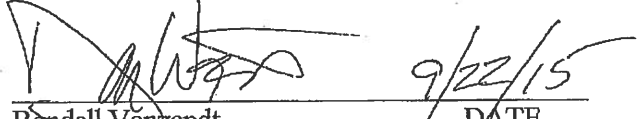
Submitted By:



Thomas McJilton
DATE
COMMUNITY CORRECTIONS OFFICER

Special Needs Unit
1550 4Th Ave. South, Ms:Tb-12A
Seattle WA 98134
Telephone (206) 516-7620

Approved By



Randall Vanzandt
DATE
Community Corrections Supervisor

TFM / TFM / 9/22/2015

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribut
ion:

COMMUNITY ORIGINAL - Hearing Officer/File via Discovery Packet
CUSTODY COPY - Offender via Discovery Packet, Field File

DOSA I ORIGINAL - Hearing Officer/File via Discovery Packet
COPY - Offender via Discovery Packet, Court by Hearings
Unit following Department hearing (must be forwarded within
72 hours of hearing)

506 X6



COMMUNITY CUSTODY NOTICE OF ALLEGATIONS, HEARING, RIGHTS, AND WAIVER

Offender Name MADSEN, Kurt R.	DOC # 964228	Date 9/22/2015	Present Location South Violator Facility										
Type of Hearing: (Check all that apply) <input checked="" type="checkbox"/> Community Custody <input type="checkbox"/> DOSA I <input type="checkbox"/> Misdemeanor/Gross Misdemeanor <input type="checkbox"/> CCM <input type="checkbox"/> DOSA II <input type="checkbox"/> FOS <input type="checkbox"/> Negotiated Sanction <input type="checkbox"/> DOSA II Dispositional													
Violation(s) alleged: 1. Failing to report to DOC since 8/24/15 as required. 2. Failing to abide by geographic boundary on 9/15/15, by travelling south of Interstate 405/Hwy 518 without DOC permission.													
You are hereby notified that a Department of Corrections hearing is scheduled for: <table border="0"> <tr> <td>Hearing Date</td> <td>Time</td> <td><input checked="" type="checkbox"/> a.m.</td> <td>Location</td> <td>Cause #(s)</td> </tr> <tr> <td>9/28/15</td> <td>10:30</td> <td><input type="checkbox"/> p.m.</td> <td>SCORE</td> <td>King 11-1-10408-3(AC) (KNT)</td> </tr> </table>				Hearing Date	Time	<input checked="" type="checkbox"/> a.m.	Location	Cause #(s)	9/28/15	10:30	<input type="checkbox"/> p.m.	SCORE	King 11-1-10408-3(AC) (KNT)
Hearing Date	Time	<input checked="" type="checkbox"/> a.m.	Location	Cause #(s)									
9/28/15	10:30	<input type="checkbox"/> p.m.	SCORE	King 11-1-10408-3(AC) (KNT)									

The Department of Corrections intends to present the following documents/reports and/or call the following witnesses during the hearing:

You have been charged with the above alleged violations of your community custody conditions. You have the following rights:

- ◆ To receive written notice of the alleged violations of your conditions/requirements of supervision.
- ◆ To have an electronically recorded community custody hearing, conducted within 5 working days of service of this notice. However, if you have not been placed in confinement, the hearing will be conducted within 15 working days of service of this notice.
- ◆ To have a neutral Hearing Officer conduct your hearing.
- ◆ To examine, no later than 24 hours before the hearing, all supporting documentary evidence which the Department of Corrections intends to present during the hearing.
- ◆ To admit to any or all of the allegations. This may limit the scope of the hearing.
- ◆ To be present during the fact-finding and disposition phases of the hearing unless your behavior poses a safety/security risk.
- ◆ To present your case to the Hearing Officer. If there is a language or communication barrier, the Hearing Officer will ensure that someone is appointed interpret or otherwise assist you. However, no other person may represent you in presenting your case. There is no statutory right to an attorney or counsel.
- ◆ To confront and cross-examine only those witnesses testifying at the hearing.
- ◆ To testify during the hearing or to remain silent. Your silence will not be held against you.
- ◆ To have witnesses provide testimony on your behalf, either in person or in a witnessed statement/affidavit. However, if an in-custody hearing, outside witnesses may be excluded due to facility concerns. In those situations, telephonic testimony may be accepted. The Hearing Officer may also exclude persons from the hearing upon a finding of good cause. In addition, the Hearing Officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of your presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in your presence during the hearing. In either event, you may submit a list of questions to ask the witness(es). Testimony may be limited to evidence relevant to the issues under consideration.
- ◆ To receive a written Hearing and Decision Summary Report including the evidence presented, a finding of guilty or not guilty and the reasons supporting findings of guilt, and the sanction imposed, immediately following the hearing or, in the event of a deferred decision, within 2 working days unless you waive this timeframe.
- ◆ To obtain a copy of the audio recording of the hearing by sending a written request to: Department of Corrections, 1016 South 28th Street, 3rd Floor, Tacoma, WA 98409.
- ◆ To appeal a sanction to the Regional Appeals Panel, in writing, within 7 calendar days of your receipt of the Hearing and Decision Summary. You may also file a personal restraint petition to appeal the Department's final decision through the Court of Appeals.
- ◆ If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty.
- ◆ To waive any or all of the above rights.